

DAMIAN WILLIAMS

United States Attorney for the  
Southern District of New York

By: PETER ARONOFF

Assistant United States Attorney

86 Chambers Street, 3rd Floor

New York, New York 10007

Tel.: (212) 637-2697

E-mail: peter.aronoff@usdoj.gov

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK TIMES COMPANY and  
MARK WALKER,

Plaintiffs,

-v-

FEDERAL AVIATION ADMINISTRATION,

Defendant.

24 Civ. 4226 (GHW)

**ANSWER**

Defendant the Federal Aviation Administration (“FAA” or the “government”), by its attorney, Damian Williams, United States Attorney for the Southern District of New York, hereby answers the complaint under the Freedom of Information Act (“FOIA”) of plaintiffs The New York Times Company and Mark Walker, upon information and belief as follows. The government specifically denies each and every allegation of the Complaint not otherwise expressly admitted, qualified, or denied in this Answer. Moreover, to the extent that the Complaint refers to or quotes from external documents, statutes, or other sources, the government may refer to such materials for their accurate and complete contents; however, the government’s references are not intended to be, and should not be construed to be, an admission that the cited materials: (a) are correctly cited or quoted by plaintiffs; (b) are relevant to this, or

any other, action; or (c) are admissible in this, or any other, action. The government answers as follows:

1. Paragraph 1 contains legal conclusions and a description of this action, to which no response is required. To the extent a response is required, the government denies.

#### PARTIES<sup>1</sup>

2. The government denies knowledge and information sufficient to form a belief as to the allegations of paragraph 2.
3. The government denies knowledge and information sufficient to form a belief as to the allegations of paragraph 3.
4. The government admits the allegations of the first sentence of paragraph 4. The second sentence consists of a legal conclusion, as to which no response is required.

#### JURISDICTION AND VENUE

5. Paragraph 5 consists of legal conclusions regarding jurisdiction, to which no response is required.
6. Paragraph 6 consists of legal conclusions regarding venue, to which no response is required.

#### LEGAL FRAMEWORK

7. Paragraph 7 consists of legal conclusions, to which no response is required.
8. Paragraph 8 consists of legal conclusions, to which no response is required.

#### BACKGROUND

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<sup>1</sup> Headings from the Complaint are included only for ease of reference. By including them, the government does not admit the accuracy of the headings.

9. The government denies knowledge and information sufficient to form a belief as to the allegations of paragraph 9. To the extent the allegations characterize a website, that website is the best evidence of its own contents.

10. With respect to the allegations of paragraph 10, the government admits only that a Boeing aircraft lost one of its doors mid-flight in January 2024, but denies knowledge or information sufficient to form a belief as to the remaining allegations in this paragraph. To the extent the allegations summarize the cited news article, the government respectfully refers the Court to that article, which is the best evidence of its own contents.

11. The government admits the allegations of paragraph 11.

12. The allegations of the first sentence of paragraph 12 are vague and ambiguous, and no response is required. The government admits the allegations of the second sentence. The third sentence cites a news article, and the government respectfully refers the Court to that article, which is the best evidence of its own contents.

### FACTS

13. The government admits the allegations of the first sentence of paragraph 13. The second sentence characterizes the FOIA requests at issue, and the government respectfully refers the Court to those requests, which are the best evidence of their own contents.

14. The government admits the allegations of paragraph 14.

15. The government admits that FAA acknowledged receipt of plaintiffs' February 5, 2024 FOIA request by letter dated February 20, 2024. The government respectfully refers the Court to the cited document for a full and accurate statement of its contents, and denies any allegations inconsistent with that document.

16. The government admits the allegations of the first sentence of paragraph 16. With respect to the second sentence, the government admits that the FAA did not respond administratively to the request.

17. The government admits the allegations of the first sentence of paragraph 17. With respect to the second sentence, the government admits that the FAA did not respond administratively to the request.

18. The government admits the allegations of the first sentence of paragraph 18. With respect to the second sentence, the government admits that the FAA did not respond administratively to the request.

FIRST CAUSE OF ACTION (REQUEST #1)

19. The allegations of paragraph 19 repeat the allegations of previous paragraphs; the government therefore incorporates its responses to each of the preceding paragraphs.

20. Paragraph 20 consists of legal conclusions, to which no response is required.

21. Paragraph 21 consists of legal conclusions, to which no response is required.

22. Paragraph 22 consists of legal conclusions, to which no response is required.

23. Paragraph 23 consists of legal conclusions, to which no response is required.

24. Paragraph 24 consists of legal conclusions, to which no response is required.

SECOND CAUSE OF ACTION (REQUEST #2)

25. The allegations of paragraph 25 repeat the allegations of previous paragraphs; the government therefore incorporates its responses to each of the preceding paragraphs.

26. Paragraph 26 consists of legal conclusions, to which no response is required.

27. Paragraph 27 consists of legal conclusions, to which no response is required.

28. Paragraph 28 consists of legal conclusions, to which no response is required.

- 29. Paragraph 29 consists of legal conclusions, to which no response is required.
- 30. Paragraph 30 consists of legal conclusions, to which no response is required.

THIRD CAUSE OF ACTION (REQUEST #3)

- 31. The allegations of paragraph 31 repeat the allegations of previous paragraphs; the government therefore incorporates its responses to each of the preceding paragraphs.
- 32. Paragraph 32 consists of legal conclusions, to which no response is required.
- 33. Paragraph 33 consists of legal conclusions, to which no response is required.
- 34. Paragraph 34 consists of legal conclusions, to which no response is required.
- 35. Paragraph 35 consists of legal conclusions, to which no response is required.
- 36. Paragraph 36 consists of legal conclusions, to which no response is required.

FOURTH CAUSE OF ACTION (REQUEST #4)

- 37. The allegations of paragraph 37 repeat the allegations of previous paragraphs; the government therefore incorporates its responses to each of the preceding paragraphs.
- 38. Paragraph 38 consists of legal conclusions, to which no response is required.
- 39. Paragraph 39 consists of legal conclusions, to which no response is required.
- 40. Paragraph 40 consists of legal conclusions, to which no response is required.
- 41. Paragraph 41 consists of legal conclusions, to which no response is required.
- 42. Paragraph 42 consists of legal conclusions, to which no response is required.

REQUEST FOR RELIEF

Paragraphs 43-46 consist of plaintiffs' prayer for relief, to which no response is required.

To the extent a response is deemed required, the government denies that plaintiffs are entitled to the relief they seek or to any relief.

## DEFENSES

For further defenses, the government alleges as follows:

### FIRST DEFENSE

Some or all of the requested records or information may be exempt from disclosure, in whole or in part, under 5 U.S.C. § 552(b).

### SECOND DEFENSE

Plaintiffs are not entitled to declaratory relief. *See* 5 U.S.C. § 552(a)(4)(B).

The government may have additional defenses which are not known at this time but which may become known through further proceedings. Accordingly, the government reserves the right to assert each and every affirmative or other defense that may be available, including any defenses available pursuant to Rules 8 and 12 of the Federal Rules of Civil Procedure.

WHEREFORE the government respectfully requests that the Court: (1) dismiss the complaint with prejudice; (2) enter judgment in favor of the government; and (3) grant such further relief as the Court deems just and proper.

Dated: August 8, 2024  
New York, New York

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/ Peter Aronoff  
PETER ARONOFF  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, New York 10007  
Tel.: (212) 637-2697  
E-mail: peter.aronoff@usdoj.gov